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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/105,150 06/26/98 DONFRANCESCO

A 36087

023820 MM91/0625
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EXAMINER

FIGUEROA, F

ART UNIT PAPER NUMBER

2833

DATE MAILED:

06/25/01

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary	Application No.	Applicant(s)	
	09/105,150	DONFRANCESCO ET AL.	
	Examiner	Art Unit	
	Felix O. Figueroa	2833	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 24 April 2001.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1,4-16 and 18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1,4-16 and 18 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) Notice of References Cited (PTO-892)
- 16) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 18) Interview Summary (PTO-413) Paper No(s). _____.
- 19) Notice of Informal Patent Application (PTO-152)
- 20) Other: _____.

DETAILED ACTION

Upon consideration of the Appeal Brief filed 04/24/01, prosecution is hereby reopened and the finality of the previous office action is withdrawn. An office action on the merits appears below.

Specification

The disclosure is objected to because of the following informalities: In page 6 line 28, "bore 36" should be changed to --bore 38--. In page 8 lines 1 and 7, "stake 56" should be changed to --stake 54--.

Appropriate correction is required.

Claim Objections

Claims 1 and 11 are objected to because of the following informalities: In claim 1 line 5, the phrase --in cross section-- should be added after "circular". In claim 11 lines 6 and 7, "and circular" should be --and having a circular cross section--. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 4-16 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crowther (US 3,068,445).

Crowther discloses a terminal assembly (10) comprising a terminal base (12) having a bore (18) with an internal thread, a screw (16) having a shank (24) with opposite first and second ends and with an external thread (26), and having a head (22) on the first end, and a deformation (36) in a portion of the external thread adjacent the second end forming a stop to limit removal of the screw from the bore. However, Crowther does not show the deformation being a stake. In column 2 lines 25-31, Crowther discloses that the second end can be distorted by peening or other suitable means. *[peen (n.) the end of a hammerhead opposite the flat striking surface, often wedge-shaped or ball-shaped and used for chipping, indenting, and metalworking]* *The American Heritage® Dictionary of the English Language, Fourth Edition, Copyright © 2000 by Houghton Mifflin Company.* It would have been an obvious matter of design choice to deform the second end of the shank as shown by Fig. 2 or with a stake, since applicant has not disclosed that the use of a stake solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with deformation shown in Fig. 2. Further, it is noted that a deformation made with a wedge-shaped peen will extend along a chord of the second end, since the purpose (disclosed by Crowther) is to deform the threads, therefore reducing the width between adjacent crests of the external threads.

Crowther also discloses a backing plane (14) having a central aperture receiving the shank and positioned between the head and the base, the backing plate comprising two depending tabs (30) being slidably received on openings (20) on the base, and a

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contact (34) extending from the base. Crowther also shows the axial length of the external thread being greater than the axial length of the internal thread.

Specifically on claims 4 and 16, it would have been an obvious matter of design choice to offset the deformation/stake form the longitudinal axis of the shank, since applicant has not disclosed that such arrangement solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with regardless of the location of the deformation/stake with respect to the longitudinal axis of the shank.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Crowther (US 3,205,473) discloses peening the second end of the shank (col. 2 lines 35-39).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Felix O. Figueroa whose telephone number is (703) 308-0097. The examiner can normally be reached on Mon.-Fri., 8:00-5:00.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1782.

ffr
June 21, 2001

P. Bradley
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